

Although it was acknowledged at the interview that de Groot failed to anticipate the claimed invention, Applicants' representative agreed to amend claims 1 and 16 to clarify that the recited shoulder surface and lateral porous layer are located inwardly from both the stud outer end and the longitudinal porous layer.

Accordingly, Applicants' representative faxed a proposed amendment to Examiner Ahmed for preliminary consideration on 26 June 2006. Based on a subsequent telephone conversation with Examiner Ahmed confirming that the amended claims distinguished over de Groot, the amendment was formally filed by mail on 18 July 2006 and received in the PTO 24 July 2006.

The Advisory Action now holds that the amendment fails to place the application in Condition for allowance based solely on a newly cited reference US 5,931,838 ("Vito"). After careful study, it is urged that Vito fails to anticipate or suggest Applicants' claimed invention and favorable reconsideration is courteously requested.

Vito describes a fixation assembly for orthopedic applications that prevents a screw from loosening and migrating out of a bone. The assembly uses a screw and plate configured such that once threaded into the bone, the screw becomes rigidly fixed to the plate by a locking ring which surrounds a recessed area of the screw.

Vito nowhere suggests a medical device of the type taught herein by Applicants wherein longitudinal and laterally extending porous layers are provided on a percutaneous stud for promoting tissue ingrowth along perpendicular surfaces to form an infection resistant barrier and inhibit marsupialization.

Submitted herewith is a Claim Listing which shows the current state of the claims

1 presuming that the amendment filed 24 July 2006 has now been entered.

2 It is urged that claims 1 and 16 clearly distinguish over Vito by reciting a stud having
3 perpendicular longitudinal and lateral porous layers for promoting soft tissue ingrowth.

4 It is accordingly urged that claims 1-9 and 13-21 patentably distinguish the invention
5 over the art of record and are now in condition for allowance.

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7
8 Respectfully submitted,

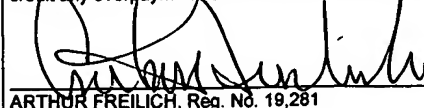
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23 **DEPOSIT ACCOUNT AUTHORIZATION:**

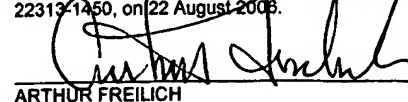
24 Throughout the prosecution of this application the Patent and Trademark
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ARTHUR FREILICH, Reg. No. 19,281

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ARTHUR FREILICH